

**ARKANSAS SUPREME COURT
COMMITTEE ON PROFESSIONAL CONDUCT**

**NOTICE OF SUSPENSION OF ATTORNEY'S
PRIVILEGE TO PRACTICE LAW**

**IN RE: DON C. COOKSEY
 ARKANSAS BAR ID #74199
 CPC Docket No. 2008-028**

Attorney Don C. Cooksey, an attorney practicing law primarily in Texarkana, Texas has been suspended from the practice of law within the jurisdiction of this State.

The Committee on Professional Conduct suspended Arkansas Attorney Don Cooksey's License for a period of three (3) months effective November 25, 2008. A Petition for Reconsideration was denied on November 25, 2008, in the matter and the Findings & Order in CPC No. 2008-028 was filed and final as of that date.

Please be advised that a suspended attorney shall not be reinstated to the practice of law in this State until the Arkansas Supreme Court has received an affirmative vote by a majority of the Committee. If, and at such time as the Committee may reinstate the attorney, you will be provided notice of the reinstatement and the effective date thereof.

If you have any questions in this regard or you have information evincing the attorney's continued practice contrary to the status of his license, please contact this office.

November 25, 2008


Stark Ligon, Executive Director
Office of Professional Conduct
625 Marshall Street, Room 110
Little Rock, AR 72201
(501) 376-0313

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: DON CLAYTON COOKSEY
Arkansas Bar ID # 74199
CPC Docket No. 2008-028

FILED

NOV 25 2008

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Order is based arose out of information that came to the attention of the Committee from Tracy McRaven. In November 2006, Tracy McRaven paid Mr. Don Cooksey \$1500 to represent him in Case No. DR-2007-70-1, *Linsey Kay McRaven (Elledge) v. Tracy McRaven*, Hempstead County Circuit Court. A hearing was initially scheduled for May 9, 2007. On that date, Mr. McRaven missed work without pay only to discover that the matter had been rescheduled by Mr. Cooksey for June 7, 2007. On the morning of June 7, thirty minutes prior to the scheduled hearing, Mr. Cooksey's office informed Mr. McRaven that they had again rescheduled the court date to June 20, 2007, due to conflicts in Mr. Cooksey's schedule. On June 20, 2007, Mr. McRaven appeared for the hearing, but Mr. Cooksey did not appear. The hearing took place absent Mr. Cooksey, who was held in contempt and ordered to repay the \$1500 in legal fees paid to him. To date, Mr. Cooksey has not repaid those legal fees.

Upon consideration of the formal complaint, the failure to respond, and other matters, and the Arkansas Rules of Professional Conduct, Panel A of the Committee on Professional Conduct finds:

A. Respondent's conduct violated Rule 1.1 in that he did not provide Mr. McRaven competent representation when he failed to appear as scheduled for the June 20, 2007, hearing. Rule 1.1 requires that a lawyer provide competent representation to a client, including the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

B. Respondent's conduct violated Rule 1.3 in that he failed to act with reasonable diligence

and promptness in his representation of Mr. Tracy McRaven when he failed to appear at the June 20, 2007, hearing. Rule 1.3 provides that a lawyer shall act with reasonable diligence and promptness in representing a client.

C. Respondent's conduct violated Rule 1.4(a)(3) in that he failed to keep Mr. McRaven reasonably informed about the status of his case. Rule 1.4(a)(3) provides that a lawyer shall keep the client reasonably informed about the status of the matter.

D. Respondent's conduct violated Rule 3.4(c) in that he failed to obey the court's order that required him to repay \$1500 in legal fees back to Mr. McRaven within thirty days of its order. Rule 3.4(c) requires that a lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.

E. Respondent's conduct violated Rule 8.4(d) in that his failure to appear for the June 20, 2007, hearing resulted in Mr. McRaven having to represent himself, an action that would not have been necessary but for Respondent's absence. Rule 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel A, that **DON CLAYTON COOKSEY**, Arkansas Bar ID# 74199 be, and hereby is, **SUSPENDED** for a period of **THREE (3) MONTHS**, and he is ordered to pay **\$50.00 COMMITTEE COSTS** and **\$1500 RESTITUTION** for his conduct in this matter. The suspension shall be effective as of the date this Order is filed with the Clerk of the Arkansas Supreme Court. Mr. Cooksey shall not be reinstated to the practice of law in Arkansas until a Petition for Reinstatement has been granted by a Panel of the Committee on Professional Conduct. For his **FAILURE TO RESPOND** to the Committee's complaint against him, Mr.

Cooksey is **REPRIMANDED** and ordered to pay a **\$1000.00 FINE**. The costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL A

By Steven Shults
Steven Shults, Chairperson, Panel A

Date July 31, 2008

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT

IN RE: DON C. COOKSEY, RESPONDENT
ARKANSAS BAR ID #74199
CPC DOCKET NO. 2008-028

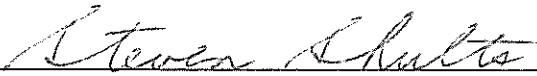
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ORDER

Having considered Respondent's Petition for Reconsideration and the Office of Professional Conduct's response thereto, the Committee on Professional Conduct, Panel A, hereby denies the Petition.

WHEREFORE, the Committee on Professional Conduct, Panel A, denies the Respondent's Petition for Reconsideration.

IT IS SO ORDERED.



Steven Shults, Chairman, Panel A
Committee on Professional Conduct

Date: November 25, 2008